



## State of Utah

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

## Department of Environmental Quality

William J. Sinclair  
*Acting Executive Director*

DIVISION OF WATER QUALITY  
Walter L. Baker, P.E.  
*Director*

**Water Quality Board**  
Joe Piccolo, *Chair*  
Paula Doughty, *Vice-Chair*  
David F. Echols  
Merritt K. Frey  
Darrell H. Mensel  
Leland J. Myers  
William J. Sinclair  
Jay Ivan Olsen  
Gregory L. Rowley  
Steven P. Simpson  
Daniel C. Snarr  
Phil Wright  
Walter L. Baker,  
*Executive Secretary*

### **MINUTES**

#### **UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**

##### **UTAH WATER QUALITY BOARD**

168 North 1950 West, Room 101

Salt Lake City, Utah 84116

Thursday December 18, 2008

#### **UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Joe Piccolo	Paula Doughty	Jay Olsen
Leland Myers	Steve Simpson	Bill Sinclair
Darrel Mensel	Dave Echols	Phil Wright
Merritt Frey	Dan Snarr	

**ABSENT:** Greg Rowley

#### **DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Walt Baker, Faye Bell, John Whitehead, Leah Ann Lamb, Ed Macauley, Sandy Wingert, Hilary Arens, Carl Adams, Ben Holcomb, Paul Krauth, Jim Harris, Jeff Ostermiller, Ed Hickey, Scott Daly, Emily Canton, Beth Wondimu, John Cook

#### **OTHERS PRESENT**

<u>Name</u>	<u>Organization Representing</u>
Jim Olson	Brown and Caldwell
Howard Thomas	UFBF
Matt Myers	J-U-B Engineers
Mike Handy	Water Rights
Janae Wallace	USGS
Mike Lowe	USGS
Paul Ashton	WCWID
Steve Woerner	Elwood Town
Keenan Nelson	Elwood Town
Colleen Merk	Elwood Town
Toby Wright	Ticaboo SSD
Ryan Jolley	Jones & Demille/Ticaboo
Travis Higby	Forsgren Associates
Kirsten Heins	Forsgren Associates
Michael Rhodes	BRHD
Gordon Anderson	Mona City
Paul Dremann	Trout Unlimited
Scott Stoddard	USACE

288 North 1460 West • Salt Lake City, UT  
Mailing Address: P.O. Box 144870 • Salt Lake City, UT 84114-4870  
Telephone (801) 538-6146 • Fax (801) 538-6016 • T.D.D. (801) 536-4414

[www.deq.utah.gov](http://www.deq.utah.gov)

Printed on 100% recycled paper

Chair Piccolo called the Board meeting to order at 11:37 a.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

**APPROVAL OF MINUTES OF THE OCTOBER 22, 2008 MEETING**

Mr. Olsen made one correction to the minutes. In the motion to adopt the Water Quality Standards (R317-2), the wording should state that Mr. Olson and Ms. Doughty opposed the motion.

**Motion:**           **It was moved by Mr. Echols and seconded by Mr. Myers to approve the minutes of the October 22, 2008 meeting with the noted correction. The motion was unanimously approved.**

**APPROVAL OF MINUTES OF THE NOVEMBER 10, 2008 CONFERENCE CALL**

**Motion:**           **It was moved by Mr. Myers and seconded by Ms. Frey to approve the minutes of the November 18, 2008 meeting. The motion was unanimously approved.**

**Introduction of New Staff:** Mr. Adams introduced Hilary Arens who is a new employee working in the TMDL Section. Mr. Ostermiller introduced Ben Holcomb who will be working in the Water Quality Management Section.

**Executive Secretary's Report:** Mr. Baker introduced Bill Sinclair who is the new Acting Executive Director of DEQ replacing Rick Sprott who recently retired. Mr. Sinclair will remain the Acting Department Director until a new Director is appointed by the Governor.

Prior to this meeting, Mr. Baker had just finished participating in a conference call with the Western Governors Association. The conference call was requested to clarify federal jurisdiction of waters under sections 404 and 402 of the federal Clean Water Act. Most states feel there needs to be additional jurisdiction clarification. The Utah Water Quality Act can trump the Clean Water Act in that all Utah water are protected under State law, regardless of federal jurisdiction.

The State budget deficit is going to be the biggest issue at the upcoming Legislative Session. The Governor has requested a 7% cut in State budgets. The Legislature wants a special session to be held prior to the General Session. Further, the Legislature is looking to make 10% to 15% cuts in the FY 2010 budget. State employees will not receive any raises this year. The Division does have federal dollars which will help DWQ meet the required state budget cuts. DWQ may have to reduce the amount of TMDL studies it performs.

The Great Salt Lake Council instituted in August by Governor Huntsman is underway with its work. Mr. Myers from the Water Quality Board is a member of the council. The Board can expect to hear recommendations from the council within four to five months.

**RULEMAKING:**

**Request to Proceed to Rulemaking for Adoption of EPA Approved TMDLs by Reference:** Mr. Adams, TMDL Section Manager, explained to the Board that the Division has recently received an approval letter from EPA Region 8 for four TMDLs submitted in April 2008. They are, Brough Reservoir, Steinaker Reservoir, Red Fleet Reservoir and New Castle Reservoir. Staff requested approval to proceed to rulemaking for the adoption of these EPA-approved TMDLs into R317-1-7.

**Motion:**           **It was moved by Mr. Myers, and seconded by Mr. Olsen, to proceed to rulemaking for inclusion into R317-1-7. The motion was unanimously approved.**

### **OTHER BUSINESS**

**Request to Approve the Salt Lake Valley Aquifer Classification:** Mr. Hickey introduced Mike Lowe, Janae Wallace, with the USGS and Paul Ashton with WCWID were all in support of this classification. At the August 7, 2008 Board meeting, the Board authorized Division staff to conduct a public hearing for a Ground Water Classification of the Basin-Fill Aquifer in Salt Lake County. The public hearing was held at Sandy City Hall on September 8, 2008. No comments were received at the public hearing. The 30-day public comment period for the petition began on August 29, 2008 and ended on September 29, 2008. One comment was received during the public comment period which was by Pat Corey of Water Watch of Utah in support of the petition. Therefore the staff recommends that the Board approve the classification as designated in the petition.

**Motion:**           **It was moved by Mr. Olsen, and seconded by Mr. Myers, to approve the Salt Lake Valley Aquifer Classification per staff's request. The motion was unanimously approved.**

**Enforcement Updates:** Mr. Whitehead directed the Board to pages 3.2 of the packet. Enclosed was a summary of the UPDES and Groundwater enforcement actions as of November 2008. He gave the Board an update on the status of all Enforcement actions issued, actions where settlement negotiations are underway or a settlement is in the 30 day public comment period and actions where final settlement were achieved during 2008.

**Status of the PCB Study in Utah Lake:** Ms. Wingert explained to the Board that in May 2006, a health advisory was posted concerning elevated levels of PCBs in carp found in Utah Lake. In that study, fifteen carp were collected from Utah Lake and analyzed for metals and PCBs; only total PCBs were found to be elevated. Two health advisories and at the request of the June Sucker Recovery Implementation Program (JSRIP), DWQ conducted a follow-up study in June 2008. It was found the source of PCB in the fish is likely through bioaccumulation via the food chain and thus not readily controllable. The Division of Wildlife Resources and JSRIP have indicated interest in continuing to collect fish of all age-classes every 5 years from Utah Lake and analyze them for PCBs to assess long term trends and whether the consumption advisories are still necessary.

### **LOAN ITEMS**

**Update on Central Weber SID Nonpoint Source Project:** Mr. Harris introduced Wendy Fisher. Mr. Harris gave a summary of a proposed project for the Central Weber Sewer Improvement District's (CWSID) Nonpoint Source funds. This project is a conservation easement located on Beaver Creek in the Upper Weber River watershed. The project was identified as a priority due to its location in an area threatened by development on a tributary to a TMDL listed reservoir. The main goal of this project is to conserve open space, limit the effects of development, and improve water quality through land management and riparian protection. The Board agreed with the project.

**Financial Assistance Status Report** – Ms. Canton updated the Board on the “Summary of Assistance Program Funds,” as outlined on page 4.1.

**Introduction for Ticaboo Funding Request:** Ms. Wondimu introduced Toby Wright and Ryan Jolley with Jones & DeMille Engineering, Inc. Ticaboo Special Service District #1 (Ticaboo SSD) is requesting

financial assistance in the amount of \$515,000 grant and a \$515,000 loan at an interest rate of 2.0% repayable over 20 years to upgrade its existing wastewater collection and treatment system. The wastewater treatment lagoons serving Ticaboo SSD have deteriorated over the years and currently do not comply with State standards. The original construction of the lagoons in approximately 1980 included a synthetic liner to prevent seepage of wastewater into the sandy soil and that liner has failed in all three existing wastewater lagoons. Re-lining the wastewater lagoons with a clay liner, as well as adding additional lagoon area for projected growth will bring the wastewater treatment system back into compliance with State standards. The Board will entertain this application after the second hearing of the project.

**Introduction for Elwood Funding Request:** Mr. Cook introduced, Mike Allred w/DWQ, John Bjerregaard with Wasatch Civil Consulting Engineering, and Steve Woerner, Keenan Nelson and Colleen Merk from Elwood Town. Elwood Town is requesting financial assistance in the amount of a \$1,140,000 grant and a \$550,000 loan at an interest rate of 0% repayable over 30 years for the construction of a new aerated lagoon and Phase 1 of a new sewer collection system. In addition, Elwood is requesting a Design Advance in the amount of \$144,000 to provide a match for the United States Army Corps of Engineers (USACE) 595 design funds that are expected to be committed to this project as part of a \$5 million USACE 595 grant. This project will be contingent upon securing Army Corps of Engineers matching funds. Staff's recommendation will be provided at the time of request for authorization.

**Request to Approve Mona City Funding Request:** Ms. Wondimu introduced Gordon Anderson, Mona City Council Member, Travis Higby, and Kirsten Heins and Jacob Prestwich with Forsgren Associates, Inc. Mona City is requesting financial assistance in the amount of a \$5,227,000 grant and a \$6,600,000 loan at an interest rate of 0.0% repayable over 30 years for construction of a wastewater collection system and an MBR treatment system. In addition, Mona City is requesting a Design Advance in the amount of \$250,000 to provide a match for the United States Army Corps of Engineers (USACE) 595 design funds that have already been authorized. Staff recommends that the Water Quality Board authorize Mona City a construction grant in the amount of \$4,318,000; a loan in the amount of \$7,350,000 repayable over 30 years at an interest rate of 0%; and a Design Advance in the amount of \$250,000 to provide a match for the USACE 595 design funds that have already been authorized for the construction of a city-wide collection system and an IFAS wastewater treatment system.

**Motion:** It was moved by Mr. Myers to approve staff's recommendation to authorize a construction grant in the amount of \$4,318,000, a loan of \$7,350,000 and a Design Advance in the amount of \$250,000 to provide a match for the USACE 595 design funds subject to special conditions including a prepayment of \$250 per year per ERU for each ERU served in excess of 900 ERUs. The motion was seconded by Mayor Snarr and was approved. Mr. Olsen and Mr. Wright opposed the motion.

**NEXT MEETING – Wednesday January 28, 2009**  
168 North 1950 West, Room 101, Salt Lake City, Utah 84116  
Work meeting will begin at 9:00 a.m. and the Board meeting will begin at 10:00 a.m.

---

Joe Piccolo, Chairman  
Utah Water Quality Board